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PTO/SB/32 (03-04)

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

REQUEST FOR ORAL HEARING BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

3207/22US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on May 10, 2004.

Signature

Typed or printed

name Frederick Yu, Reg. No. 45,251

In re Application of
William M. KleinfelterApplication Number
09/348,774

Filed

July 7, 1999

For PRESCRIPTION DATA PROCESSING SYSTEM...

Art Unit
3626

Examiner

Robert W. Morgan

Applicant hereby requests an oral hearing before the Board of Patent Appeals and Interferences in the appeal of the above-identified application.

The fee for this Request for Oral Hearing is (37 CFR 1.17(d))

\$ 290.00

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. . I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(b) (PTO/SB/23) is enclosed.
For extensions of time in reexamination proceedings, see 37 CFR 1.550.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/98)
- ☒ attorney or agent of record.
Registration number 45,251
- ☐ attorney or agent acting under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a).

Signature

Frederick Yu

Typed or printed name

212-895-2000

Telephone number

May 10, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of forms are submitted.

This collection of information is required by 37 CFR 1.194(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0169 and select option 2.

BOARD OF PATENT
APPEALS &
INTERFERENCES

JUL 28 2004

BROWN RAYSMAN MILLSTEIN FELDER &
STEINER LLP
PATENT ACCOUNT
900 - 3RD AVENUE
NEW YORK, NY 10022-4728

2592

DATE 5/10/04

1-280
210PAY
TO THE
ORDER OF

COMMISSIONER FOR PATENTS

\$ 290.⁰⁰/₁₀₀Two hundred ninety + ⁰⁰/₁₀₀

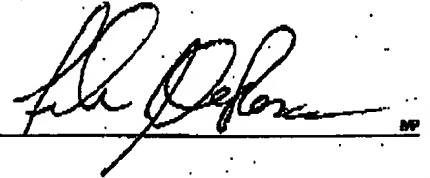
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NEW YORK, NY 10043

The Citigroup Private Bank

FOR 3207-22 us Reg for Oral Hearing



⑈002592⑈+⑈021000089⑈04151607⑈

Date: May 10, 2004
Applicant(s): Kleinfeiler
Serial No.: 09/348,774
Filed: July 7, 1999

Docket No.: 3207-22US
FY:ami

For: PRESCRIPTION DATA PROCESSING SYSTEM FOR DETERMINING
NEW THERAPY STARTS

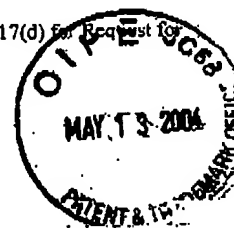
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL DATE CANCEL

To the individual receiving this correspondence, please check the contents
enclosed herewith and verify that the following items were enclosed by date
stamping and placing this post card in the out-going mail. Thank you.

- Reply Brief
- Request for Oral Hearing
- Check in the amount of \$290 for fee under 37 CFR 1.17(d) for Request for Oral Hearing
- Return receipt postcard

Mailing Date: May 10, 2004



**United States Patent and Trademark Office****Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office****P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov****BROWN, RAYSMAN, MILLSTEIN,
FELDER & STEINER LLP
900 THIRD AVENUE
NEW YORK, NY 10022****Paper No: 20
Appeal No: 2004-1787
Application: 09/348,774
Appellant: WILLIAM, M. KLEINFELTER****Board of Patent Appeals and Interferences
Docketing Notice**

Application 09/348,774 was received from the Technology Center at the Board on July 15, 2004 and has been assigned Appeal No: 2004-1787.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on: November 10, 2003
Reply Brief filed on: NONE
Request for Hearing filed on: NONE

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

**BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450**

The facsimile number of the Board is 703-308-7952. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 703-308-9797 and should be directed to a Program and Resource Administrator.

RECEIVED JUL 22 2004

By order of the Board of Patent Appeals and Interferences

Docket Date: _____

Docket No.: 3207-2205Attorney(s): SHO/AY/ARA

Action: _____

Action Date: _____

MAILED**JUL 19 2004****PAI & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

PATENT
Attorney Docket No.: 3207/22US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

William M. Kleinfelter

Serial No: 09/348,774

Filed: July 7, 1999

For: PRESCRIPTION DATA
PROCESSING SYSTEM FOR
DETERMINING NEW THERAPY
STARTS

Art Unit: 3626

Examiner: Robert W. Morgan

Appeal No.: 2004-1787

BOARD OF PATENT
APPEALS &
INTERFERENCES
JUL 28 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER

Sir:

Applicant submits herewith a copy of a Reply Brief and Request for Oral Hearing previously filed on May 10, 2004 for the above-identified application in which the Board has informed us that they never received. Also attached is a copy of check number 2592 in the amount of \$290.00 which was submitted as payment for the Request for Oral Hearing and a copy of the return-receipt postcard stamped by the Patent Office mailroom.

Entry of the Reply Brief and the Request for Oral Hearing are respectfully requested at this time.

Date: 7/28/04

Customer No: 29858
Brown Raysman Millstein Felder & Steiner
900 Third Avenue
New York, NY 10022
Tel. (212) 895-2000
Fax. (212) 895-2900

Respectfully Submitted,

By: 

Frederick Yu
Reg. No. 45,251
Attorney for Applicants

BROWN RAYSMAN

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP

FACSIMILE COVER SHEET

From: Frederick Yu **Date:** July 28, 2004
Direct Dial: 212-895-2006 **Client/Matter #:** 3207/22US

PLEASE DELIVER AS SOON AS POSSIBLE TO:

	Recipient	Company	Fax No.	Phone No.
1.	Board of Patent Appeals and Interferences	U.S. Patent and Trademark Office	703-308-7952	

Total number of pages including this page: 16.

If you do not receive all the pages, please call (212) 895-2000.

Message:

Appeal No.: 2004-1787

U.S. Patent Application Serial No.: 09/348,774

Filed: July 7, 1999

For: PRESCRIPTION DATA PROCESSING SYSTEM FOR DETERMINING
NEW THERAPY STARTS**Enclosures:**

- 1) Letter to PTO
- 2) Copy of transmittal form
- 3) Copy of fee transmittal form
- 4) Copy of Reply Brief
- 5) Copy of Request for Oral Hearing
- 6) Copy of check number 2592
- 7) Copy of return-receipt postcard stamped by PTO mailroom
- 8) Copy of Board of Patent Appeals and Interferences Docketing Notice

JUL 28 2004
BOARD OF PATENT
APPEALS &
INTERFERENCES

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BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP

900 THIRD AVE NY NY 10022 T 212-895-2000 F 212 896-2900 brownraysman.com

BRMFS1510481v1

Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

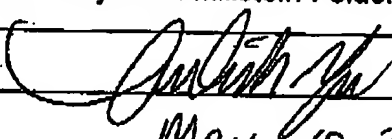
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/348,774
	Filing Date	July 7, 1999
	First Named Inventor	KLEINFELTER
	Group Art Unit	3626
	Examiner Name	Robert W. Morgan
Total Number of Pages in This Submission	Attorney Docket Number	3207/22US


ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<div>Reply Brief Request for Oral Hearing Check for \$290.00</div>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Frederick Yu Brown Raysman Millstein Felder & Steiner LLP
Signature	
Date	May 10, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: May 10, 2004	
Typed or printed name	Frederick Yu, Reg. No. 45,251
Signature	
Date	May 10, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 290.00

Complete if Known

Application Number	09/348,774
Filing Date	07/07/1999
First Named Inventor	KLEINFELTER
Examiner Name	Robert W. Morgan
Group Art Unit	3626
Attorney Docket No.	3207/22US

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **02/4270**
Deposit Account Name

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$) **290.00****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) **290.00**

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	290.00
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **290.00****SUBMITTED BY**

Name (Print/Type)

Frederick Yu

Registration No.
(Attorney/Agent)

45,251

Complete (if applicable)

Telephone

(212)895-2000

Date

05/10/2004

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